

# United States Marshal's Service

(Sale of government property to private)

Case no.: CV: 97-2558 (DRD)

I, Daniel Cruz, a duly sworn and authorized Deputy U.S. Marshal, does hereby certify and state, that I offered for sale in Public Auction, the property described in the Order/Notice of Sale or Writ of execution attached hereto and made part of this return as ordered by the United States District Court.

Also, that said Notice of Sale was published as required and is supported by the accompanying Affidavit of Publication. Further, that the sale began at the hour of 11:00pm on the 25th day of May, 2005; when I offered for sale said property in Public Auction and that I received from Mr. Rafael Santiago, in representation of Himself, the amount of \$ 45,000.00 . Such amount was offered as the highest bid and that being the highest bid received, the sale was awarded to him.

Marshal's fees, indicated below, will be deducted from the case deposit on hand or the proceeds of the sale, whichever is deemed appropriate, after confirmed by the Court.

## MARSHAL'S FEES

3% OF 1 <sup>ST</sup> \$1,000.00 .....	\$	30.00
1 ½ % OF REMAINING BALANCE .....	\$	660.00
EXECUTION OF SALE FEE .....	\$	405.00
TOTAL MILEAGE (INCLUDING ENDEAVORS) @ \$0.405.....	\$	157.95
TOLLS (INCLUDING ENDEAVORS) .....	\$	12.30
OTHER EXPENSES .....	\$	992.86
TOTAL...	\$	<u>2,258.11</u>

This at San Juan,  
Puerto Rico on May 25, 2005

RECEIVED & FILED  
05 AUG - 9 AM 9:20  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

HERMAN J WIRSHING  
United States Marshal

By:   
Deputy U.S. Marshal

# UNITED STATES MARSHALS SERVICE

## JUDICIAL DISTRICT OF PUERTO RICO

### JUDICIAL SALE - AUCTION RECORD

Case Title: USA v. Daniel MaldonadoDate: (M/D/Y) 5/25/2005

At: Utuado, PR

Notice of sale: ☐ Read ☐ Reading waivedNumber: Civil: 97-2558Time: ☒ 11:00 AM ☐ 2:00 PMSale: (1<sup>st</sup>) (2<sup>nd</sup>) (3<sup>rd</sup>)Page 1 of 2

#### RECORD OF ATTENDANCE

Name (Printed)	Signature	Telephone	Address
1) <u>RAFAEL SANTIAGO</u>	<u>[Signature]</u>	<u>829 0081</u>	<u>B17 Las Cunas Adjuntas PR</u>
2) <u>Carlos Puga</u>	<u>[Signature]</u>	<u>829-0331</u>	<u>Adjuntas P.R. San Juan</u>
3) <u>Hector F. Quiles</u>	<u>[Signature]</u>	<u>829-2030</u>	<u>PO Box 1612 Adjuntas PR 00601</u>
4)			
5)			
6)			
7)			
8)			
9)			
10)			

RECEIVED & FILED  
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 U.S. DISTRICT COURT  
 SAN JUAN, P.R.

#### Record of Bidding

Minimum Bid: \$ 42,700.00

(1) \$ <u>42,700.00</u>	(2) \$ <u>43,300.00</u>	(1) \$ <u>43,800.00</u>	(2) \$ <u>44,300.00</u>
(2) \$ <u>42,800.00</u>	(1) \$ <u>43,400.00</u>	(2) \$ <u>43,900.00</u>	(1) \$ <u>44,400.00</u>
(1) \$ <u>42,900.00</u>	(2) \$ <u>43,500.00</u>	(1) \$ <u>44,000.00</u>	(2) \$ <u>44,500.00</u>
(2) \$ <u>43,000.00</u>	(1) \$ <u>43,600.00</u>	(2) \$ <u>44,100.00</u>	(1) \$ <u>44,600.00</u>
(1) \$ <u>43,200.00</u>	(2) \$ <u>43,700.00</u>	(1) \$ <u>44,200.00</u>	(2) \$ <u>44,700.00</u>

Highest Bid Received: \$ 45,000.00 By: Rafael Santiago

#### Marshal's Expenses

Service Fee	\$45@hourly	<u>\$135.00</u>
Mileage	\$0.405@mile	<u>\$52.65</u>
Tolls	(Agua\$4.80) (Aib\$) (Are\$4.10) (Gua \$) (Hum\$1.00) (May\$4.80) (Pon \$4.65) (Utu\$4.10)	<u>\$4.10</u>
Other	Parking, etc.	<u>-</u>
Total		<u>\$191.75</u>

 By: [Signature]  
 Deputy U.S. Marshal

By: [Signature]  
Deputy U.S. Marshal

# UNITED STATES MARSHALS SERVICE

## JUDICIAL DISTRICT OF PUERTO RICO

### JUDICIAL SALE - AUCTION RECORD

Case Title: USA v.

Daniel Maldonado

Date: (M/D/Y)

5/18/2005

At:

UTUADO

, PR

Notice of sale: ( ) Read ( ☒ ) Reading waived

Number: Civil:

97-2558

Time:

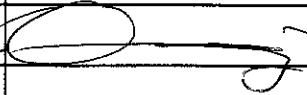
1100

Sale:

(1<sup>st</sup>) (2<sup>nd</sup>) (3<sup>rd</sup>)

Page 1 of 1

#### RECORD OF ATTENDANCE

Name (Printed)	Signature	Telephone	Address
1) <u>Lisandra Torres Lopez</u>		<u>(787) 829-2030</u>	<u>80 Rodolfo Gonzales, Ste. 2, Adjuntas</u>
2)			
3)			
4)			
5)			
6)			
7)			
8)			
9)			
10)			

RECEIVED & FILED  
05 AUG -9 AM 9:20  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

#### Record of Bidding

( ) \$ _____	( ) \$ _____	( ) \$ _____	( ) \$ _____
( ) \$ _____	( ) \$ _____	( ) \$ _____	( ) \$ _____
( ) \$ _____	( ) \$ _____	( ) \$ _____	( ) \$ _____
( ) \$ _____	( ) \$ _____	( ) \$ _____	( ) \$ _____
( ) \$ _____	( ) \$ _____	( ) \$ _____	( ) \$ _____

Minimum Bid: \$ 56,934.00Highest Bid Received: \$ NO BIDS By: \_\_\_\_\_

#### Marshal's Expenses

Service Fee	\$45@hourly	<u>135.00</u>
Mileage	(Agua\$52.65) (Aib\$27.30) (Are\$31.20) (Gua\$30.55) (Hum\$22.10) (May\$63.70) (Pon \$45.50) (SJAS\$1.95) (Utu\$42.25)	<u>52.65</u>
Tolls	(Agua\$4.80) (Aib\$) (Are\$4.10) (Gua \$) (Hum\$1.00) (May\$4.80) (Pon \$4.65) (Utu\$4.10)	<u>4.10</u>
Other	Parking, etc.	-
Total		<u>\$ 191.75</u>

By: 

Deputy U.S. Marshal

CONTINUATION SHEET  
AUCTION RECORD



(1<sup>ST</sup>) (2<sup>ND</sup>) (3<sup>RD</sup>) SALE

CASE NO. \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

CASE TITLE: \_\_\_\_\_ VS. \_\_\_\_\_

RECORD OF BIDDING: \_\_\_\_\_ MINIMUM BIDS \_\_\_\_\_

[illegible]

CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

RECEIVED & FILED  
05 AUG -9 AM 9:20

# UNITED STATES MARSHALS SERVICE

## JUDICIAL DISTRICT OF PUERTO RICO

### JUDICIAL SALE - AUCTION RECORD

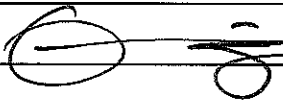
Case Title: USA v. Daniel MaldonadoDate: (M/D/Y) 5/11/2005

At: Humacao, PR

Notice of sale: ☐ Read ☒ Reading waivedNumber: Civil: 97-2558Time: ☒ 1:00 AM ☐ 2:00 PMSale: ☒ (1<sup>st</sup>) ☐ (2<sup>nd</sup>) ☐ (3<sup>rd</sup>)

Page 1 of 1

#### RECORD OF ATTENDANCE

Name (Printed)	Signature	Telephone	Address
1) <u>Lisandra Torres Lopez</u>		<u>(787) 824-2030</u>	<u>80 Rodolfo Gonzalez, Ste 2</u> <u>Ayuntan PR 00601</u>
2)			
3)			
4)			
5)			
6)			
7)			
8)			
9)			
10)			

 RECEIVED & FILED  
 05 AUG -9 AM 9 20  
 U.S. DISTRICT COURT  
 SAN JUAN, PR

#### Record of Bidding

Minimum Bid: \$ 85,400.00

( ) \$ _____	( ) \$ _____	( ) \$ _____	( ) \$ _____
( ) \$ _____	( ) \$ _____	( ) \$ _____	( ) \$ _____
( ) \$ _____	( ) \$ _____	( ) \$ _____	( ) \$ _____
( ) \$ _____	( ) \$ _____	( ) \$ _____	( ) \$ _____
( ) \$ _____	( ) \$ _____	( ) \$ _____	( ) \$ _____

Highest Bid Received: \$ NO BIDS By: \_\_\_\_\_

#### Marshal's Expenses

Service Fee	\$45@hourly	<u>135.00</u>
Mileage	\$0.405@mile	<u>52.65</u>
Tolls	(Agua\$4.80) (Aib\$) (Are\$4.10) (Gua \$) (Hum\$1.00) (May\$4.80) (Pon \$4.65) (Utu\$4.10)	<u>4.10</u>
Other	Parking, etc.	<u>-</u>
Total		<u>\$ 191.75</u>

 By:   
 Deputy U.S. Marshal

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

CIVIL NUNO. 97-2558 (DRD)

UNITED STATES OF AMERICA

(FARMER SERVICE AGENCY)

VS.

DANIEL AUGUSTO MALDONADO HERNANDEZ

FORECLOSURE OF MORTGAGE

RECEIVED & FILED  
05 AUG -9 AM 9:20  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

# AFFIDAVIT

I, Marilisa Román, of legal age, married, employee and resident of Bayamón, Puerto Rico, do solemnly swear:

That my name is the above mentioned and my personal circumstances are those as stated. That I am an Employee, of "EL NUEVO DIA", newspaper of General Circulation in the Island of Puerto Rico, and that position in Advertising and Legal Notice Department Supervisor and I am in charge of the advertisement.

I also declare that in the edition of this newspaper corresponding

APRIL 6, 13, 20 & 27, 2005

an advertisement was published that deals with the following:

HERMAN J. WIRSHING, U. S. MARSHAL, BY: ROBERTO SCHIMIDT, LEGAL  
TECHNICIAN

In witness whereof and upon request of those concerned, I swear to and sign the present in Guaynabo, P.R. this \_\_\_\_\_ day of MAY 09 2005, 20\_\_\_\_.

*Marilisa Román*

Affidavit No. 47,010

Acknowledged and sworn to before me by Marilisa Román and resident of Bayamón, Puerto Rico, whom I know personally.0000



Guaynabo, P.R. MAY 09 2005 19\_\_\_\_

*[Signature]*  
NOTARY PUBLIC





UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
(Farm Service Agency)  
Plaintiff

v.

DANIEL AUGUSTO MALDONADO HERNANDEZ  
Defendant

CIVIL NO. 97-2558 (DRD)

FORECLOSURE OF MORTGAGE

RECEIVED & FILED  
05 AUG -9 AM 9:21  
U.S. DISTRICT COURT  
SAN JUAN, P.R.  
CLERK'S OFFICE  
DISTRICT OF  
PUERTO RICO  
11 3 08 PM '00  
RECEIVED  
UNITED STATES  
MARSHAL

NOTICE OF SALE

To: DANIEL AUGUSTO MALDONADO HERNANDEZ, Corporación de  
Credito Agricola, Francisco Umpierre Rivera, ProTruck and  
Tractors Sales Corporation, and any other party with  
interest over the property mentioned below.

WHEREAS: Judgment in favor of the United States of America was entered for the principal aggregate amount of \$25,571.99 plus \$31,102.90 in interest accrued as of June 28, 1996, plus \$7.5315 per day from then on until payment in full, plus attorney's fees and costs, plus any charge, fee, cost or disbursement that may have been incurred by plaintiff according to the terms of the promissory note or mortgage loan being foreclosed and the principal aggregate amount of \$33,375.60 plus \$41,084.01 in interest accrued as of June 28, 1996, plus \$9.8298 per day from then on until payment in full, plus attorney's fees and costs, plus any charge, fee, costs or disbursement that my have been incurred by plaintiff according to the terms of the promissory note or mortgage loan being foreclosed.

United States v. Daniel Augusto Maldonado Hernandez, et al.  
Civil No. 97-2558(DRD)  
Page 2

The records of the case and of these proceedings may be examined by interested parties at the Office of the Clerk of the United States District Court, Federal Building, Chardón Avenue, Hato Rey, Puerto Rico.

WHEREAS: Pursuant to the terms of the aforementioned judgment and the order of execution thereof, the following property belonging to the defendant will be sold at public auction:

RUSTICA: Predio de terreno sito en el barrio Portillo de adjuntas, Puerto Rico, con cabida de TREINTA Y TRES CUERDAS CON CUARENTA Y DOS CENTIMOS, iguales a trece hectáreas, trece áreas, cincuenta y tres centiáreas y tres miliáreas en lindes por el Norte, con Héctor Rivera; Sur, con Héctor Rivera y Juan Pastor Orta; Oeste, con Héctor Rivera y Pédro Vélez y al ESTE, con Juan Pastor Orta y Antonio Nieves.

Plaintiff's mortgage for the amount of \$22,700.00 later reamortized to \$24,971.99 was recorded at page 230, volume 162 of Adjuntas property number 5906, 6<sup>th</sup> Inscription, at the Registry of the Property of Utuado, Puerto Rico.

Plaintiff's mortgage for the amount of \$40,000.00 was recorded at page 230vto. Volume 162 of Adjuntas, property number 5906, 7<sup>th</sup> Inscription, at the Registry of the Property of Utuado, Puerto Rico.

WHEREAS: This property is subject to the following liens:

Senior Liens: None

Junior Liens:

United States v. Daniel Augusto Maldonado Hernandez, et al.  
Civil No. 97-2558(DRD)  
Page 3

HIPOTECA: Por la suma principal de \$3,000.00 en garantía de un pagaré a favor de la CORPORACION DE CREDITO AGRICOLA, con intereses at 7% anual y vencimiento a la presentación, tasada en \$3,000.00, constituida mediante la escritura No. 256 otrogada en Ponce el 28 de septiembre del 1979, ante Carmen Dolores Ruíz López, inscrita al folio 231 del tomo 162 de Adjuntas, finca No. 5906, inscripción 8a.

AVISO DE DEMANDA: En el Tribunal Superior de Puerto Rico, sala de Ponce, en el Caso Civil No. TD-92-403, según Mandamiento de fecha 14 de junio de 1994, seguido por Francisco Umpierre Rivera versus Daniel A. Maldonado Hernández, se solicita el pago de la deuda la cual asciende a la suma principal de \$32,886.00, anotado el 23 de junio de 1994, al folio 217 del tomo 240 de Adjuntas, finca No. 5906, anotación A.

AVISO DE DEMANDA: En el Tribunal Superior de Puerto Rico, sala de Adjuntas, en el Caso Civil No. CD-94-175, según Mandamiento de fecha 9 de diciembre de 1994, seguido por Pro Truck and Tractors Sales Corporation versus Daniel A. Maldonado Hernández, se solicita el pago de la deuda la cual asciende a la suma principal de \$47,000.00, anotado el 23 de enero de 1995, al folio 217vto. del tomo 240 de Adjuntas, finca No. 5906, anotación B.

#### Other Liens:

Potential bidders are advised to verify the extent of preferential liens with the holders thereof. It shall be understood that each bidder accepts as sufficient the title and that prior and preferential liens to the one being foreclosed upon, including but not limited to any property tax liens (express, tacit, implied or legal), shall continue in effect it being understood further that the successful bidder accepts them and is subrogated in the responsibility for the same and that the bid price shall not be applied toward their cancellation.

United States v. Daniel Augusto Maldonado Hernandez, et al.  
Civil No. 97-2558(DRD)  
Page 4

WHEREAS: For the purpose of the first judicial sale, the minimum bid agreed upon by the parties in the mortgage deed will be on the first loan \$22,700.00, on the second mortgage \$62,700.00 and no lower offer will be accepted. Should the first judicial sale of the above described property be unsuccessful, then the minimum bid for the property on the second judicial sale will be two-thirds the amount of the minimum bid for the first judicial sale. The minimum bid for a third judicial sale, if the same is necessary, will be one-half of the minimum bid agreed upon the parties in the aforementioned mortgage deed. (30 LPRA 2721, Mortgage and Property Registry Act, Act. No. 198, Article 221, as amended).

WHEREAS: Said sale to be made by the United States Marshal is subject to confirmation by the United States District Court for the District of Puerto Rico and the deed of conveyance and possession to the property will be executed and delivered only after such confirmation.

NOW THEREFORE, public notice is hereby given that the United States Marshal, pursuant to the provisions of the Judgment hereinbefore referred to will, on the 11<sup>th</sup> day of **May, 2005 at 11:00 A.M.** of said day, in the Office of the Marshal for the Superior Court of Puerto Rico, Utuado Part, located at Centro Judicial, Avenida Nueva, Utuado, Puerto Rico, in accordance with 28 U.S.C. 2001, will sell at public auction to the highest bidder, the

United States v. Daniel Augusto Maldonado Hernandez, et al.  
Civil No. 97-2558 (DRD)  
Page 5

property described herein, the proceeds of said sale to be applied in the manner and form provided by the said judgment.

Should the first judicial sale set hereinabove be unsuccessful, the second judicial sale of the property described in this Notice will be held on the 18<sup>th</sup> day of **May, 2005** at **11:00 A.M.** of said day, in the Office of the Marshal of this Court located at the address indicated above. Should the second judicial sale set hereinabove be unsuccessful, the third judicial sale of the property described in this Notice will be held on the 25<sup>th</sup> day of **May, 2004** at **11:00 A.M.** of said day, in the Office of the Marshal of this Court located at the address indicated above.

In San Juan, Puerto Rico, this 28<sup>th</sup> day of March, 2005.

HERMAN J. WIRSHING  
United States Marshal

By: \_\_\_\_\_

  
Roberto Schmidt  
Legal Technician

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
(Farm Service Agency)  
Plaintiff

v.

DANIEL AUGUSTO MALDONADO HERNANDEZ  
Defendants

CIVIL NO. 97-2558 (DRD)

FORECLOSURE OF MORTGAGE

CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

05 AUG -9 AM 9:21

RECEIVED & FILED

NEW WRIT OF EXECUTION OF JUDGMENT

TO THE MARSHAL OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

GREETINGS:

WHEREAS, the Honorable Daniel R. Dominguez, United  
States District Judge, has issued an order in this case dated  
May 20, 1998 which copied literally, reads as follows:

"ORDER FOR EXECUTION OF JUDGMENT

Upon motion filed by plaintiff herein, and it appearing from  
the records of this Court in the above mentioned case that the  
defendants referred to in the judgment entered by this Court were  
duly summoned and said defendants have failed to pay to the  
plaintiff the sums of money adjudged to be paid under said  
judgment:

And it appearing further that more than ten (10) days have  
elapsed from the entry of Judgment:

NOW, THEREFORE, the Court hereby orders the United States  
Marshal for this District to proceed forthwith and to sell at  
public auction to the highest bidder, the property referred to in  
said judgment and described herein below in the manner and form  
provided in said judgment and as herein further provided:

RUSTICA: Predio de terreno sito en el barrio  
Portillo de adjuntas, Puerto Rico, con cabida  
de TREINTA Y TRES CUERDAS CON CUARENTA Y DOS

USA v. Daniel Augusto Maldonado Hernández  
Civil No. 97-2558 (DRD)  
Page 2

CENTIMOS, iguales a trece hectáreas, trece áreas, cincuenta y tres centiáreas y tres miliáreas en lindes por el Norte, con Héctor Rivera; Sur, con Héctor Rivera y Juan Pastor Orta; Oeste, con Héctor Rivera y Pedro Vélez y al ESTE, con Juan Pastor Orta y Antonio Nieves.

Plaintiff's mortgage for the amount of \$22,700.00 later reamortized to \$24,971.99 was recorded at page 230, volume 162 of Adjuntas property number 5906, 6<sup>th</sup> Inscription, at the Registry of the Property of Utuado, Puerto Rico.

Plaintiff's mortgage for the amount of \$40,000.00 was recorded at page 230 vto. Volume 162 of Adjuntas, property number 5906, 7<sup>th</sup> Inscription, at the Registry of the Property of Utuado, Puerto Rico.

a) Said public sale shall be held at the office of the Marshal for Superior Court of Puerto Rico, Utuado Part, in accordance with 28 U.S.C. 2001.

b) Notice of Sale shall be published once a week for at least four (4) weeks prior to the sale in at least one newspaper of general circulation in accordance with 28 U.S.C. 2002.

c) The amount on the first loan \$22,700.00, on the second mortgage \$62,700.00, shall serve as the minimum bid for the first public sale. Should the first public sale fail to procure an award or adjudication, two-thirds of the aforementioned amount shall serve as the minimum bid for the second sale. Should there be no award or adjudication at the second public sale, the basis for the third sale shall be one-half of the amount specified as the minimum bid for the first public sale. Should there be no award or adjudication in this public sale the same may be awarded to the creditor for the amount of the debt if this is equal to or less than the amount of the minimum bid of the third auction, and crediting this amount to the amount owed if it is more.

d) The United States Marshal shall not accept in payment of the property to be sold anything but United States currency or certified checks in his name, except in case the property is sold and adjudicated to the plaintiff, in which case the amount of the bid made by said plaintiff shall be credited and deducted from its

USA v. Daniel Augusto Maldonado Hernández  
Civil No. 97-2558 (DRD)  
Page 3

credit; said plaintiff being bound to pay in cash or certified check only any excess of its bid over the secured indebtedness when remaining unsatisfied.

e) All junior lien holders shall pay in cash or in certified check the total amount of previous liens, and any sum in excess of said previous liens shall be credited to their respective liens.

f) The United States Marshal may, either personally or by some person designated by him to act in his name and his authority, adjourn the sale from time to time, without further publication, but only by order of this Court.

g) Upon the confirmation of said sale by this Court the United States Marshal shall execute and deliver a deed of conveyance of the property sold to the purchaser thereof.

h) The purchaser shall be entitled to the delivery of the property sold and its physical possession and the United States Marshal may deliver said possession through the eviction of the occupant of the property without the need of any further order, in accordance with law.

i) The Property Registrar of the corresponding Property Registry of Puerto Rico shall proceed to the recording of the judicial sale deed in favor of the purchaser, free of any liens subsequent to the date of the execution of the foreclosed mortgage.

SO ORDERED in San Juan, Puerto Rico, this 20<sup>th</sup> day of May, 1998.

(s) Daniel R. Dominguez  
UNITED STATES DISTRICT JUDGE"

THEREFORE, you as said Marshal of the United States District Court for the District of Puerto Rico are hereby ordered to proceed by virtue of this New Writ of Execution and in compliance with the




order copied above, according to law, in order to execute the judgment entered in this case against the defendant.

In San Juan, Puerto Rico, this 1st day of December, 2004.

FRANCES RIOS DE MORAN, Clerk  
United States District Court  
For The District Of Puerto Rico

By: \_\_\_\_\_

  
Deputy Clerk